

NONDISCRIMINATION POLICY AND NOTICE OF NONDISCRIMINATION

TAS does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in admission and employment.

Inquiries about Title IX may be referred to TAS's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both.

TAS's Title IX Coordinator is:

Lenita Lugo
Director of Access, Equity, and Compliance
4000 S. Main Street, Los Angeles, CA 90011
(323) 235-6343, ext. 2553
llugo@accelerated.org

TAS's Nondiscrimination Policy and Grievance Procedures can be located at <https://www.accelerated.org/>. To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to TAS's Nondiscrimination Policy and Grievance Procedures.

TITLE IX POLICY AND GRIEVANCE PROCEDURES

INTRODUCTION

TAS encourages members of the TAS community to report sex discrimination including sex-based harassment. This policy only applies to conduct defined as sex discrimination under Title IX and applicable federal regulations and that meets Title IX jurisdictional requirements on or after August 1, 2024. TAS will respond to sex discrimination including sex-based harassment that falls outside that definition and outside the jurisdiction of the Title IX federal regulations using State law and applicable TAS policies and procedures. For conduct that occurred prior to this date, TAS will utilize its policies in place at the time the alleged sex discrimination, including sex-based harassment, occurred, so long as they are in accordance with the applicable statutes and regulations. In implementing these procedures discussed below, TAS will also provide supportive measures, training, and resources in compliance with State law, unless they are preempted by the Title IX regulations.

TITLE IX COORDINATOR

Questions concerning Title IX may be referred to the TAS Title IX Coordinator whose contact information is below:

Lenita Lugo
Director of Access, Equity, and Compliance
4000 S. Main Street, Los Angeles, CA 90011
(323) 235-6343, ext. 2553
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The Title IX Coordinator is required to respond to reports of sex discrimination including sex-based harassment. The Title IX Coordinator will handle information received with the utmost discretion and will share information with others on a need-to-know basis. For example, the Title IX Coordinator may need to address public safety concerns on campus, comply with State and federal legal requirements, or share information to implement supportive measures.

A report of sex discrimination including sex-based harassment to the Title IX Coordinator does not necessarily lead to a full investigation, as discussed more fully below. However, the Title IX Coordinator will evaluate a Complaint to determine whether to investigate a Complaint pursuant to these procedures. The Title IX Coordinator shall monitor the district for barriers to reporting information about conduct that reasonably may constitute sex discrimination, including sex-based harassment, under Title IX, and take steps reasonably calculated to address such barriers.

SCOPE

These procedures apply to all students, employees, applicants for admission or employment, and other individuals participating or attempting to participate in TAS's education program or activity who experience prohibited sex discrimination, including sex-based harassment. These procedures apply to sex discrimination occurring under TAS's education programs or activities in the United States, including buildings owned or controlled by a student organization officially

recognized by TAS. These procedures also apply to conduct that is subject to TAS's disciplinary authority or conduct that creates a hostile environment even when some of the conduct alleged occurred outside TAS's education programs or activities or outside the United States. TAS has other policies and procedures that may be applicable if the conduct does not meet the definition of prohibited sex discrimination including sex-based harassment under these procedures.

DEFINITIONS

Affirmative Consent: Affirmative consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. Both Parties must give affirmative consent to sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he/she/they has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest, lack of resistance, or silence do not indicate consent. Affirmative consent must be ongoing throughout a sexual activity and one can revoke his/her/their consent at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, is not an indicator of consent.

The Respondent's belief that the Complainant consented will not provide a valid defense unless the belief was actual and reasonable, based on the facts and circumstances the Respondent knew, or reasonably should have known, at the time of the incident. A Respondent's belief is not a valid defense where:

- The Respondent's belief arose from the Respondent's own intoxication or recklessness;
- The Respondent did not take reasonable steps to ascertain whether the Complainant affirmatively consented; or
- The Respondent knew or a reasonable person should have known that the Complainant was unable to consent because the Complainant was incapacitated, in that the Complainant was:
 - Asleep or unconscious;
 - Unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication; or
 - Unable to communicate due to a mental or physical condition.

Complainant: A Complainant is: (1) A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations, (2) a person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in TAS's education program or activity at the time of the alleged sex discrimination, (3) A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant; or (4) TAS's Title IX Coordinator.

Complaint: An oral or written request to the recipient that objectively can be understood as a request for TAS to investigate and make a determination about alleged discrimination under Title IX or its regulations.

Decision-Maker: The group of people who will question the parties and witnesses, conduct a live hearing (if offered), and make a determination of whether sex discrimination occurred.

Disciplinary Sanctions: Consequences imposed on a Respondent following a determination under Title IX or its regulations that the Respondent violated TAS's prohibition on sex discrimination.

Grievance Process: The fact-finding process from the time of the filing of the Complaint through the final determination, including an appeal (if any).

Informal Resolution: A complaint resolution agreed to by the Parties and approved by the Title IX Coordinator, or designee, that is reached before a final determination.

Parties: As used in this procedure, this means the Complainant and Respondent. Where the Complainant or Respondent is a minor or legally incompetent person, "Party" also includes the Party's parent(s) or legal guardian(s).

Relevant: Related to the allegations of sex discrimination under investigation as part of these Grievance Procedures. Questions are relevant when the question seeks evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decision-maker in determining whether the alleged sex discrimination occurred.

Remedies: Measures provided, as appropriate, to a Complainant or any other person TAS identifies as having had their equal access to the TAS's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to TAS's education program or activity after TAS determines that sex discrimination occurred.

Respondent: A Respondent is a person who is alleged to have violated TAS's prohibition on sex discrimination.

Retaliation: Retaliation means intimidation, threats, coercion, or discrimination against any person by TAS, a student, or an employee or other person authorized by TAS to provide aid, benefit, or service under TAS's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation or proceeding under the Title IX regulations.

Sex-based harassment under Title IX: A form of sex discrimination. Sex-based harassment includes sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity that satisfies one or more of the following:

- Quid pro quo harassment. An employee, agent, or other person authorized by TAS to provide an aid, benefit, or service under TAS's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
- Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from TAS's education program or activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - The degree to which the conduct affected the Complainant's ability to access TAS's education program or activity;
 - The type, frequency, and duration of the conduct;
 - The parties' ages, roles within TAS's education program or activity, previous interactions, and other factors about each Party that may be relevant to evaluating the effects of the conduct;
 - The location of the conduct and the context in which the conduct occurred; and
 - Other sex-based harassment in TAS's education program or activity;
- Sexual assault, including the following:
 - Sex Offenses. Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - Rape (except Statutory Rape). The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their temporary or permanent mental or physical incapacity. There is carnal knowledge if there is the slightest penetration of the genital or anal opening of the body of another person.
 - Statutory Rape. Sexual intercourse with a person who is under the statutory age of consent. There is no force or coercion used in Statutory Rape; the act is not an attack.
 - Sexual Assault with an Object. To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything the offender uses other than the offender's genitalia, e.g., a finger, bottle, handgun, stick.
 - Fondling. The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.

- o Incest. Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Dating violence. Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of a relationship will be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- Domestic Violence. Violence committed:
 - o By a current or former spouse or intimate partner of the victim;
 - o By a person with whom the victim shares a child in common;
 - o By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - o By a person similarly situated to a spouse of the victim under the domestic or family violence laws of California; or
 - o By any other person against an adult or youth victim protected from that person's acts under the domestic or family violence laws of California.
- Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her/their safety or the safety of others or suffer substantial emotional distress.

Supportive measures: Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

- Restore or preserve that Party's access to TAS's education program or activity, including measures that are designed to protect the safety of the parties or TAS's educational environment; or
- Provide support during TAS's Grievance Procedure or during an informal resolution process.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Supportive measures may also include written notification about available services both within TAS and the community and options for available assistance.

EMPLOYEE REPORTING RESPONSIBILITIES

All TAS employees are required to promptly notify the Title IX Coordinator when they have information about conduct that may reasonably constitute sex discrimination, including sex-based harassment.

RESPONSE TO REPORTS OF SEX DISCRIMINATION, INCLUDING SEX-BASED HARASSMENT

Upon receiving a report of sex discrimination, including sex-based harassment, the Title IX Coordinator or designee will promptly contact the Complainant to discuss the availability of

supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures, and explain to the Complainant the Grievance Procedure.

If either party is a student with a disability, the Title IX Coordinator or designee shall consult with one or more members, as appropriate, of the student's individualized education program or 504 team, to determine how to comply with the requirements of the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973.

Implementation of Supportive Measures

TAS will offer and coordinate supportive measures as appropriate for the Complainant and Respondent to restore or preserve that person's safety and access to TAS's education program or activity or provide support during TAS's Grievance Procedure or during the informal resolution process.

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. The Title IX Coordinator should record and retain records regarding requests and provision of supportive measure in accordance with the requirements set out in this Policy.

Supportive measures may include but are not limited to: counseling; extensions of deadlines and other class-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more Parties; leaves of absence; changes in class, work, or extracurricular or any other activity, regardless of whether there is a comparable alternative; and training and education programs related to sex-based harassment.

TAS shall not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one Party of supportive measures provided to another Party, unless necessary to provide the supportive measure or restore or preserve a Party's access to the education program or activity, or as required by law.

TAS will provide the Party with written notice of the supportive measure and the opportunity for that Party to appeal by seeking modification or reversal of TAS's decision to provide, deny, modify, or terminate supportive measures applicable to them. The appeal of the supportive measure decision must be received by the Title IX Coordinator within 3 business days of the Party's receipt of notice of supportive measure. An impartial decision maker who was not involved in the challenged supportive measure decision will issue a final decision on the supportive measure appeal within 3 business days of the filing of the appeal. The decision maker will have authority to modify or reverse the supportive measure decision upon a finding that it was inconsistent with the definition of supportive measures.

Upon the conclusion of any grievance procedures implemented as specified in 34 CFR 106.45 or informal resolution process as specified in 34 CFR 106.44, TAS may continue with the supportive measures, or modify or terminate such measures, as appropriate.

Emergency Removal

TAS may remove a non-employee Respondent from TAS's education program or activity on an emergency basis after it conducts an individualized safety and risk analysis and determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other individual arising from the allegations of sex discrimination justifies removal.

TAS's Title IX Coordinator or designee will conduct the individualized safety and risk analysis.

If the Title IX Coordinator or designee determines emergency removal is appropriate, he/she/they or designee will provide the person TAS is removing from campus on an emergency basis with a notice and opportunity to attend a meeting and challenge the basis of his/her/their removal. The Title IX Coordinator or designee will determine whether the emergency removal from campus order is warranted after considering information provided by the Respondent challenging the emergency removal. This authority to remove a student does not modify a student's rights under the IDEA or Section 504 of the Rehabilitation Act of 1973.

Administrative Leave

TAS may place an employee Respondent on paid administrative leave during the pendency of the Grievance Procedure. TAS will follow any relevant policies, procedures, collective bargaining agreements, or State law in placing an employee on administrative leave.

Consolidation of Complaints

TAS may consolidate Complaints of sex discrimination against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one Complainant or more than one Respondent is involved, references below to a Party, Complainant, or Respondent include the plural, as applicable.

Informal Resolution

At its discretion, TAS may offer the Parties informal resolution in lieu of resolving a Complaint through TAS's Grievance Procedure. Informal resolution may include mediation that does not involve a full investigation and adjudication.

TAS shall not require or pressure the Parties to participate in an informal resolution process. TAS does not require waiver of the right to an investigation and determination of a Complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right. TAS must obtain the Parties' voluntary, written consent to the informal resolution process.

TAS must provide the Parties a written notice disclosing:

- The allegations;
- The requirements of the informal resolution process;
- That, prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and to initiate or resume the Grievance Procedure;

- That the Parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the Parties from initiating or resuming the Grievance Procedure arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties; and
- What information TAS will maintain and whether and how it could disclose such information if Grievance Procedure is initiated or resumed.

TAS will not offer or facilitate an informal resolution process to resolve allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student, to resolve allegations of sexual violence involving a student Party, or when such a process would conflict with Federal, State, or local law.

GRIEVANCE PROCEDURES

General Requirements

- TAS has adopted the Grievance Procedure that provide for the prompt and equitable resolution of Complaints made by the Title IX Coordinator, students, employees, or other individuals who are participating or attempting to participate in its education programs or activities. This Grievance Procedure will apply to allegations of conduct that would constitute unlawful sex discrimination under applicable federal and state law, including Title IX and their regulations.
- TAS will treat Complainants and Respondents equitably.
- TAS requires that any Title IX Coordinator, investigator, or decision-maker not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. As long as there is no conflict of interest or bias, a decision-maker may be the same person as the Title IX Coordinator or investigator.
- TAS presumes that the Respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of the Grievance Procedure.

Who May File A Complaint

The following people have a right to make a Complaint of sex discrimination, including Complaints of sex-based harassment, requesting that TAS investigate and make a determination about alleged discrimination under Title IX:

- A student or employee of TAS who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
- A person other than a student or employee of TAS who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in TAS's education program or activity;
- A parent or guardian of a minor;

- An authorized legal representative with the legal right to act on behalf of a Complainant; and
- The TAS Title IX Coordinator.

A person may only file a complaint of sex-based harassment if they allege to have been subjected to the sex-based harassment or if they have a legal right to act on such person's behalf.

Complaint Filed by Title IX Coordinator

If a Complainant chooses not to bring a Complaint or withdraws any or all of the allegations in a Complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator shall consider whether to initiate a Complaint. The Title IX Coordinator will consider the following factors:

- The Complainant's request not to proceed with initiation of a Complaint;
- The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- The risk that additional acts of sex discrimination, including sex-based harassment, would occur if a Complaint is not initiated;
- The severity of the alleged sex discrimination or sex-based harassment, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- The age and relationship of the Parties, including whether the Respondent is an employee of TAS;
- The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, including sex-based harassment, or sex discrimination, including sex-based harassment, alleged to have impacted multiple individuals;
- The availability of evidence to assist a Decision-Maker in determining whether sex discrimination, including sex-based harassment, occurred;
- Whether TAS could end the alleged sex discrimination, including sex-based harassment, and prevent its recurrence without initiating the Title IX Grievance Procedure; and
- Any other factors considered relevant by the Title IX Coordinator.

If, after considering these factors, the Title IX Coordinator determines that the alleged conduct presents an imminent and serious threat to the health and safety of the Complainant or another person, or that the conduct as alleged prevents TAS from ensuring equal access to its program or activity on the basis of sex, the Title IX Coordinator may initiate a complaint.

If the Title IX Coordinator initiates a complaint, the Title IX Coordinator will provide the Complainant with notice of the Complaint, as well as other notices as required by this Grievance Procedure. The Title IX Coordinator will also address reasonable concerns about the Complainant's safety or the safety of others, including providing supportive measures and taking other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within TAS's education program or activity.

Timeframes and Extensions

TAS has established the following timeframes for the major stages of the Grievance Procedure:

- **Complaint evaluation:** TAS will determine whether to dismiss or investigate a Complaint within ten business days.
- **Complaint investigation:** TAS will complete an adequate, reliable, and impartial investigation of Complaints within 120 calendar days.
- **Decision-Maker Questioning of the Parties and Witnesses:** TAS will complete the process that enables the Decision-Maker to question the Parties and Witnesses no later than 30 calendar days after the date that the investigation concludes.
- **Determination Whether Sex Discrimination Occurred:** TAS will issue a written determination whether sex discrimination occurred no later than 20 business days after the date that the Decision-Maker completes the process that enables the Decision-Maker to question the Parties and Witnesses.
- **Appeal of Dismissal of Complaint (if any):** A Complainant or Respondent may submit a written appeal no later than 15 calendar days from the date of the notice of determination whether sex discrimination occurred or from the date of TAS's notice of dismissal of a Complaint or any allegations. If a Complainant or Respondent submits an appeal to TAS, TAS will notify the other Party in writing within five business days of receiving a Party's appeal and allow the non-appealing Parties at least ten business days from the date of receipt of the appeal to submit a written statement in support of, or challenging, the outcome. The appeal Decision-Maker will issue a written decision on whether to grant or deny the appeal, and the rationale for the decision, within suggest 45 calendar days after the Decision-Maker on appeal receives the response to the appeal or the last day to provide a response.
- **Appeal of Determination Whether Sex Discrimination Occured of Complaint (if any):** A Complainant may submit a written appeal no later than 15 calendar days from the date of the notice of determination whether sex discrimination occurred or from the date of TAS's notice of dismissal of a Complaint or any allegations. If a Complainant submits an appeal to TAS, TAS will notify the Respondent in writing within five business days of receiving a Party's appeal and allow the Respondent at least ten business days from the date of receipt of the appeal to submit a written statement in support of, or challenging, the outcome. The appeal Decision-Maker will issue a written decision on whether to grant or deny the appeal, and the rationale for the decision, within suggest 45 calendar days after the Decision-Maker on appeal receives the response to the appeal or the last day to provide a response.

Extensions

When appropriate, the Title IX Coordinator may determine that good cause exists to extend the timeline(s) identified in the preceding paragraph. TAS will provide notice of this extension to the Parties in writing and include the reason for the delay and anticipated timing of completion.

All notices pertaining to extensions will be maintained as part of the case records.

Privacy

TAS will take reasonable steps to protect the privacy of the Parties and Witnesses during its Grievance Procedure. These steps will not restrict the ability of the Parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential

resources, or advisors; or otherwise prepare for or participate in the Grievance Procedure. The Parties cannot engage in retaliation, including against Witnesses.

To protect the privacy of those involved, the Parties are required to sign a confidentiality agreement prior to attending an interview or otherwise participating in TAS's Grievance Procedure. The confidentiality agreement restricts unauthorized disclosure of information and evidence obtained solely through the Grievance Procedure. The confidentiality agreement will not restrict the ability of either Party to discuss the allegations under investigation.

Consistent with the requirements of the Grievance Procedure, TAS shall keep confidential the identity of any individual who has made a report or Complaint of sex discrimination, including any individual who has made a report or filed a Complaint of sex-based harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by law, or to carry out the purposes of the Grievance Procedure. This means that TAS will protect the Party's privacy consistent with the Grievance Procedure but may disclose information to those who have a legitimate need to know and in order to process Complaints under the Grievance Procedure.

Confidentiality is not absolute, however. Where criminal conduct has occurred, or where the health or safety of others in the community may be in danger, it may be necessary for TAS to take appropriate steps to protect the safety of its students and employees, including the person who has reported the misconduct.

Evidence

TAS will objectively evaluate all evidence that is relevant and otherwise permissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by TAS to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether the evidence or question is relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality in writing;
- A Party's or Witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or Witness, unless TAS obtains that Party's or Witness's voluntary, written consent for use in its Grievance Procedure; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or

imply the Complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Written Notice of Allegations

Upon initiation of the Grievance Procedure, TAS will notify the Parties of the following with sufficient time for the Parties to prepare a response before any initial interview:

- TAS's Title IX Grievance Procedure and any informal resolution process;
- Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited, and that the Party should report any retaliation to the Title IX Coordinator; and
- The Parties are entitled to an equal opportunity to access the relevant and otherwise permissible evidence or an accurate description of this evidence.

If, in the course of an investigation, TAS decides to investigate allegations of sex discrimination by the Respondent toward the Complainant that are not included in the written notice provided or that are included in a consolidated Complaint, TAS will provide notice of the additional allegations to the Parties.

Dismissal of a Complaint

Situations Where a Complaint May be Dismissed

TAS may dismiss a Complaint of sex discrimination if:

- TAS is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in TAS's education program or activity and is not employed by TAS;
- The Complainant voluntarily withdraws in writing any or all of the allegations in the Complaint, the Title IX Coordinator declines to initiate a Complaint, and TAS determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- After making reasonable efforts to clarify the allegations within the Complaint, TAS determines the conduct alleged in the Complaint, even if proven, would not constitute sex discrimination under Title IX.

Notification of Dismissal of Complaint and Right of Appeal

Upon dismissal, TAS will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then TAS will notify the Parties of the dismissal and the basis for the dismissal simultaneously in writing.

TAS will notify the Complainant that a dismissal may be appealed and will provide the Complainant with an opportunity to appeal the dismissal of a Complaint. If the dismissal occurs after the Respondent has been notified of the allegations, then TAS will also notify the

Respondent that the dismissal may be appealed. A Party will have five business days to file an appeal with the Title IX Coordinator after receipt of the notice of dismissal.

Basis for Appeal of Dismissal of Complaint

A Party may appeal TAS's decision to dismiss a Complaint or any allegations on the following bases no later than 10 business days from the date of TAS's notice of dismissal of a Complaint or any allegations:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when TAS dismissed the Complaint; and
- The Title IX Coordinator, Investigator, or Decision-Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

Procedures Pending Appeal of the Dismissal of Complaint

If the dismissal is appealed, TAS will:

- Notify the Parties of any appeal, including notice of the allegations, if notice was not previously provided to the Respondent;
- Implement appeal procedures equally for the Parties;
- Ensure that the Decision-Maker for the appeal did not take part in an investigation of the allegations or dismissal of the Complaint;
- Ensure that the Decision-Maker for the appeal has been trained consistent with the Title IX regulations;
- Provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the Parties of the result of the appeal and the rationale for the result.

TAS Actions After Dismissal of a Complaint

If a Complaint is dismissed, TAS will:

- Offer supportive measures to the Complainant as appropriate;
- If the Respondent has been notified of the allegations, offer supportive measures to the Respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within TAS's education program or activity.

TAS may commence proceedings under other policies and procedures after dismissing a Complaint.

Investigation

TAS will provide for adequate, reliable, and impartial investigation of Complaints.

Burden of Gathering Evidence

The burden is on TAS—not on the Parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

Opportunity to Present Witnesses and Evidence

TAS will provide an equal opportunity for the Parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and otherwise permissible.

Evidence Review

TAS will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

TAS will provide each Party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and otherwise permissible, in the following manner:

- TAS will provide an equal opportunity to access either the relevant and otherwise permissible evidence, or an accurate description of this evidence;
- TAS will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- TAS will take reasonable steps to prevent and address the Parties' unauthorized disclosure of information and evidence obtained solely through the Grievance Procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the Complaint of sex discrimination are authorized.

Evidence Of Past Sexual History

Evidence that relates to the Complainant's sexual interests or prior sexual conduct must be excluded, unless:

- The evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct; or
- The evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Decision-Maker Questioning of the Parties and Witnesses When Credibility is in Dispute

TAS will provide a process that enables the Decision-Maker to question Parties and Witnesses to adequately assess a Party's or Witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

TAS will use the following steps to complete this process: Decision-Maker will request the Parties participation in meetings to question the Party and invite the Parties to submit questions for the Decision-Maker's consideration when meeting with the Parties. The Decision-Maker will schedule and conduct separate meetings with the Parties. The meetings will be in-person or with technology enabling the Party and Decision-Maker to see and hear each other in real time. During each meeting, the Decision-Maker will ask questions of the Party and allow the Party to comment on the evidence collected during the investigation. The Decision-Maker may meet with a Party more than once, based on the Decision-Maker's judgment. The Decision-maker will meet with other witnesses, if needed based on the Decision-Maker's judgment.

Determination Whether Sex Discrimination Occurred

Following an investigation and evaluation of all relevant and otherwise permissible evidence, TAS will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred under TAS's Grievance Procedures. The standard of proof requires the Decision-Maker to evaluate relevant and otherwise permissible evidence for its persuasiveness. If the Decision-Maker is not persuaded by a preponderance of the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the Decision-Maker will not determine that sex discrimination occurred.
- Notify the Parties simultaneously in writing of the determination whether sex discrimination occurred under TAS's Grievance Procedures including the rationale for such determination, and the procedures and permissible bases for the Complainant and Respondent to appeal.
- Not impose discipline on a Respondent for sex discrimination prohibited by TAS's policy unless there is a determination at the conclusion of the Grievance Procedures that the Respondent engaged in prohibited sex discrimination under this policy.
- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 - Coordinate the provision and implementation of remedies to the Complainant and other people TAS identifies as having had equal access to TAS's education program or activity limited or denied by sex discrimination;
 - Coordinate the imposition of any disciplinary sanctions on the Respondent, including notification to the Complainant of any such disciplinary sanctions; and
 - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within TAS's education program or activity.
- Comply with the Grievance Procedures before the imposition of any disciplinary sanctions against the Respondent; and
- Not discipline a Party, Witness, or others participating in the Title IX Grievance Procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Coordination of the Imposition of Discipline

In those cases where a student Respondent will be disciplined, the Title IX Coordinator will refer the matter to the student Respondent's school administration team. In those cases where an employee will be disciplined, the Title IX Coordinator will refer the matter to Human Resources.

Disciplinary Sanctions and Remedies

TAS shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the Grievance Procedure has been completed and a determination has been made.

Following a determination that sex discrimination occurred, TAS may impose disciplinary sanctions. The action will be prompt, effective, and commensurate with the severity of the offense.

Possible disciplinary sanctions for student Respondents include warnings, loss of privileges (such as restrictions from field trips and student activities), community service, required training

or counseling, non-academic probation, in-school suspension, out-of-school suspension, and expulsion.

Possible disciplinary sanctions for employee Respondents include written or verbal reprimand, required training or counseling, reduction in pay [*if negotiated or available through policy or procedure*], demotion [*if negotiated or available through policy or procedure*], suspension, or discharge.

TAS may also provide remedies, which may include, but are not limited to:

- Providing an escort to ensure that the Complainant can move safely between classes and activities;
- Ensuring that the Complainant and Respondent do not attend the same classes or work in the same work area;
- Providing counseling services or a referral to counseling services;
- Providing medical services or a referral to medical services;
- Providing academic support services, such as tutoring;
- Arranging for a Complainant, if a student, to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the Complainant's academic record; and
- Reviewing any disciplinary actions taken against the Complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the Complainant's discipline.

Appeals of Determination Whether Sex Discrimination Occurred

A Party may appeal a determination whether sex discrimination occurred on the following bases no later than 15 calendar days from the date of TAS's notice of determination whether sex discrimination occurred:

- TAS based the decision on incorrect facts; and
- The Decision-Makers misapplied the law.

The Decision-Makers on appeal is the TAS Board of Trustees.

If a Party appeals the determination whether sex discrimination occurred, TAS will:

- Notify the Parties of any appeal within five business days of receiving an appeal;
- Allow the non-appealing Party at least ten business days from the date of receipt of the appeal to submit a written statement in support of, or challenging, the determination;
- Ensure that the Decision-Makers for the appeal did not take part in an investigation of the allegations or dismissal of the Complaint;
- Ensure that the Decision-Makers for the appeal have been trained consistent with the Title IX regulations; and
- Notify the Parties of the result of the appeal and the rationale for the result within 45 calendar days after the Decision-Makers on appeal receive the response to the appeal or the last day to provide a response.

FILE RETENTION

TAS will retain on file for a period of at least seven years after closing the case copies of:

- For each complaint of sex discrimination: records documenting the informal resolution process (if any) or the Grievance Procedures, and the resulting outcome.
- For each notification the Title IX Coordinator receives of information about conduct that reasonably may constitute sex discrimination under this policy, records documenting the actions TAS took to meet its obligations under this policy.
- All materials used to train Title IX Coordinators, investigators, Decision-Makers, and any person who facilitates an informal resolution process. These training materials are available upon request for inspection by members of the public.

For complaints containing allegations of childhood sexual assault, TAS shall also indefinitely maintain the following: (Code of Civil Procedure 340.1):

- A record of the allegation(s)
- A record of the investigation procedures followed
- A record of the written determination
- A record of the corrective action implemented, if any
- A record of any appeals and the outcome of the same
- All training materials addressing the prohibition and investigation of childhood sexual assault